

85th Legislative Session – 2010

Committee: House Commerce

Monday, March 01, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Blake
P Conzet
P Fargen
P Greenfield
P Jensen
P Kirschman
P Krebs
P Novstrup (David)
P Nygaard
P Pitts
P Solberg
P Solum, Vice-Chair
P Rounds, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Rounds.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 24, 2010

Moved by: Solum
Second by: Blake
Action: Prevailed by voice vote.

SB 190: revise certain provisions regarding the opt-out rights of credit card customers.

Proponents: Jeremiah D. Murphy, Citibank
Curt Everson, SD Bankers Association

MOTION: DO PASS SB 190

Moved by: Krebs
Second by: Solum
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Blake, Conzet, Fargen, Greenfield, Jensen, Kirschman, Krebs, Novstrup (David),
Nygaard, Pitts, Solberg, Solum, Rounds

MOTION: PLACE SB 190 ON CONSENT CALENDAR

Moved by: Nygaard
Second by: Greenfield
Action: Prevailed by voice vote.

SB 136: allow municipalities to maintain the same number of on-sale alcoholic beverage licenses when certain on-sale alcoholic beverage licenses are not reissued.

Presented by: Senator Cooper Garnos
Proponents: Yvonne Taylor, SD Municipal League

MOTION: DO PASS SB 136

Moved by: Krebs
Second by: Greenfield
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Blake, Conzet, Fargen, Greenfield, Jensen, Kirschman, Krebs, Novstrup (David),
Nygaard, Pitts, Solberg, Solum, Rounds

MOTION: PLACE SB 136 ON CONSENT CALENDAR

Moved by: Jensen
Second by: Blake
Action: Failed by voice vote.

Chair passed gavel to Vice Chair.

SB 2: revise certain provisions regarding alcoholic beverage control and licensing laws.

Presented by: Representative Tim Rounds

THE CHAIR DEFERRED SB2 UNTIL LATER ON THE AGENDA

Vice Chair passed gavel to Chair.

SB 186: change the unemployment insurance wage base and contribution rates and to declare an emergency.

Presented by: Representative Deb Peters

Proponents: Shawn Lyons, SD Retailers Association
Pam Roberts, Secretary, Department of Labor
Lindsey Riter-Rapp, National Federation of Independent Business
Bob O'Connell, Sioux Falls Area Chamber of Commerce
Myron Rau, SD Auto Dealer's Association
Julie Johnson, Absolutely Aberdeen
David Owen, SD Chamber of Commerce & Industry
Paul Aylward, Dakotas Public Employees Union, SD AFSCME 59

MOTION: DO PASS SB 186

Moved by: Krebs

Second by: Greenfield

Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Blake, Conzet, Fargen, Greenfield, Jensen, Kirschman, Krebs, Novstrup (David), Nygaard, Pitts, Solberg, Solum, Rounds

SB 4: revise certain rule-making authority regarding the sale of certain alcoholic beverage container sizes to on-sale licensees.

Presented by: Senator Ryan Maher

MOTION: DO PASS SB 4

Moved by: Greenfield

Second by: Krebs

Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Blake, Conzet, Greenfield, Jensen, Kirschman, Krebs, Novstrup (David), Nygaard, Pitts, Solberg, Solum, Rounds

Excused: Fargen

MOTION: PLACE SB 4 ON CONSENT CALENDAR

Moved by: Jensen

Second by: Greenfield

Action: Failed by voice vote.

Chair passed gavel to Vice Chair.

SB 2: revise certain provisions regarding alcoholic beverage control and licensing laws.

Presented by: Senator Thomas Nelson

Proponents: Matt Fonder, Department of Revenue & Regulation

MOTION: DO PASS SB 2

Moved by: Pitts

Action: Was not acted on.

MOTION: AMEND SB 2

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On page 8, line 13, of the printed bill, after "year " insert "if the license is approved by the secretary".

On page 15, delete lines 5 to 21, inclusive.

On page 17, line 20, overstrike "~~pursuant to § 35-4-11.4~~".

On page 19, delete lines 16 to 18, inclusive, and insert "No criminal penalty may be imposed on a licensee licensed pursuant to this title if:".

On page 20, line 5, delete "43 to 45" and insert "41 to 43".

On page 20, line 9, delete "43 to 45" and insert "41 to 43".

On page 20, delete lines 15 to 19, inclusive.

Moved by: Pitts

Second by: Rounds
Action: Prevailed by voice vote.

MOTION: DO PASS SB 2 AS AMENDED

Moved by: Pitts
Second by: Nygaard
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Blake, Conzet, Greenfield, Jensen, Kirschman, Krebs, Novstrup (David), Nygaard, Pitts, Solberg, Solum, Rounds

Excused: Fargen

MOTION: PLACE SB 2 ON CONSENT CALENDAR

Moved by: Jensen
Second by: Rounds
Action: Failed by voice vote.

Vice Chair passed gavel to Chair.

SB 188: revise certain provisions relating to the sale and display of alcoholic beverages in certain establishments.

Presented by: Senator Thomas Nelson
Proponents: Larry Nelson, Hy-Vee, Inc.
Jim Hood, Lewis Stores
Shawn Lyons, SD Retailers Association
Opponents: Dave Birger, Self, Sioux Falls
Robert Wentz, Self, Sioux Falls

MOTION: DO PASS SB 188

Moved by: Rounds
Second by: Greenfield
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 188 TO THE 41ST LEGISLATIVE DAY

Moved by: Pitts
Second by: Blake

Action: Was not acted on.

MOTION: CALL THE QUESTION

Moved by: Rounds

Second by: Greenfield

Action: Prevailed by voice vote.

MOTION: SUBSTITUTE MOTION DEFER SB 188 TO THE 41ST LEGISLATIVE DAY

Moved by: Pitts

Second by: Blake

Action: Failed by roll call vote. (4-7-2-0)

Voting Yes: Blake, Kirschman, Pitts, Solberg

Voting No: Conzet, Greenfield, Jensen, Krebs, Novstrup (David), Solum, Rounds

Excused: Fargen, Nygaard

THE MOTION TO DO PASS SB 188

Moved by: Rounds

Second by: Greenfield

Action: WAS NOT ACTED ON.

MOTION: CALL THE QUESTION

Moved by: Rounds

Second by: Greenfield

Action: Prevailed by voice vote.

MOTION: DO PASS SB 188

Moved by: Rounds

Second by: Greenfield

Action: Prevailed by roll call vote. (7-4-2-0)

Voting Yes: Conzet, Greenfield, Jensen, Krebs, Novstrup (David), Solum, Rounds

Voting No: Blake, Kirschman, Pitts, Solberg

Excused: Fargen, Nygaard

MOTION: ADJOURN

Moved by: Solum

Second by: Greenfield

Action: Prevailed by voice vote.

Diane Mellan
Committee Secretary

Tim Rounds, Chair